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2017 NOV -6 PM 12: 36

U.S. DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JAMES PETER KYRICOPOULOS,)
petitioner

v.

CIVIL ACTION NO. 17-11778-FDS

ERIN GAFFNEY,)
respondent

PETITIONER'S OPPOSITION TO RESPONDENT'S
MOTION TO DISMISS

NOW COMES the petitioner, pro-se timely submits his
Opposition to Respondent's Motion to Dismiss. The petitioner
sadly must submit this "glaring" REVELATION, THIS PETITION
WILL CHALLENGE WHAT THIS COUNTRY IS ALL ABOUT, WOW: Is
anyone above the law, politics v. united states constitution,
WOW, petitioner that serious, WOW.

Reviewing Ms. Badway's Motion to Dismiss, she submits that the
petitioner has not "exhausted" his state remedies, WOW, how ill
is she, or she is attempting to ask this Court for Mercy, WHAT,
petitioner what are you stating. Ms. Badway at the time of her
filing, dated October 31, 2017, had not yet received the
petitioner's Amended Petition for Habeas Corpus, Amended

Statement of Fact with exhibits, plus a Memorandum of Law that any attorney would be proud of.

Let's get right to the meat of this habeas corpus, reviewing petitioner's Amended Petition, see exhibit D, document titled total constitutional deprivations, WOW, petitioner counts 18 united states and massachusetts constitutional, WOW, you must be kidding, petitioner. Starting that the Commonwealth deliberately blocked petitioner's Appeal of his Amended Petition of Unlawful Restraint pursuant to Crim. R. 30A all the way to refuse to give petitioner's the trial transcripts that he ordered on October 27, 2014, WHAT, that was over 3 years ago. But petitioner pursuant to Standing Order 09-2, when ordered, they must be produced within 6 months, WOW, petitioner What are you saying, the Commonwealth deliberately "blocked" your Due Process rights to Appeal, WOW, then you were not convicted, you were KIDNAPPED, that is a federal crime, WOW, OH by the way petitioner, would you please identify the docket entry showing that you ORDERED the trial transcripts, of course, no. 86, WOW, is that relevant petitioner, do not forget petitioner already you have alleged serious misconduct by the government, see "therrien v. United States, first circuit, 2017," a case this year, petitioner you are pissing off the Attorney General, Really, but the Attorney General would never engage in misconduct, depriving one of his constitutional rights. Excuse me,

me, but Howie Carr on his radio show last week described Ms. Maura Healey as "deranged" and out of control liberal hack, petitioner that is not nice.

Directing this Court to petitioner's Amended petition of habeas corpus dated October 26, 2017, see exhibit E, copies of Ms. Badway's Motion to Dismiss petitioner's Writ of Mandamus dated June 5, 2017, no. SJ-2017-0182 in the Supreme Judicial Court for the Commonwealth of Massachusetts, where she says that the writ is moot, clerk sent the transcript of October 10, 2014 to the Appeals Court on May 9, 2017, WOW, but wait a minute that is not the relief the petitioner sought, he sought the pre-trial and trial transcripts that the clerk sent to the Appeals Court, and in light the Commonwealth violated Standing Order no. 09-2, where Appeal was MOOT, it has been 3 years the petitioner has been falsely incarcerated, citing controlling cases, "Commonwealth v. Lee," and "In Petition of Williams," where the Supreme Judicial Court stated because of the delay of producing the transcripts, they said that 24 months was DEPLORABLE, WOW, deplorable, what is 3 years charges must be dismissed with prejudice, indictment dismissed, and immediate release from prison, WOW. Sorry, please again directing this Court's Attention to Exhibit E, the petitioner immediately filed his Reply dated June 8, 2017, WOW, and the petitioner attached copies of Ms. Badway's docket entries that she submitted, on

May 30, 2017, no docket entry no. 86, WHAT, but the same Ms. Badway within habeas corpus, and YES, it is related to this habeas corpus, no. 16-12431-IT, it shows no 86, when was that filed, on December 21, 2016, WOW, petitioner what are you alleging, that Ms. Badway knowingly falsify docket entries and committed perjury. But petitioner, writ was denied on June 12, 2017, Justice elspeth Cypher, maybe she did not know about those docket entries printed out by Ms. Badway on December 14, 2016, and filed again on December 21, 2016, WOW. Sorry, yes Justice Cypher knew about thjose docket entries, again see exhibitE, the petitioner submitted copies of those docket entries filed by Ms. Badway on December 21, 2016, and the petitioner even refer to that docket entry no 86, a number of times within said WRIT, WOW. But maybe the Supreme Judicial Court did not receive your reply dated June 8, 2017, oh yes, the petitioner requested copy of dockert entries, they are located within exhibit E again, dated June 19, 2017, WOW. So the Attorney General colluded with a Justice of the State's highest Court to committ perjury by falsifying docket entries, and you have case law, YES, "Wheel v. Robinson, 2nd circuit," where Ms. Wheel a state judge in Vermont falsified docket entries to committ perjury, petitioner you are really pissing off the Attorney General.

But petitioner let us ask the million dollar question, how did Ms. Badway and it would be reasonable that Ms. Healey was invo9lved, persuade a Judge of the highest Court in The

Commonwealth to engage in such criminal misconduct, Ms.

Healey and Justice Cypher are both lesbians, WOW, are you saying you are a victim of a hate crime, what does this Court THINK.

Petitioner also within your amended statement of Fact you submit that your appeal of your Amended Petition pursuant to Crim. R. 30A was deliberately blocked in the Appeals Court, and again you submit that Ms. Healey's wife sits in the Appeals Court, again collusion, she is a lesbian, and she sat next to Justice Cypher in the Appeals Court last year before Ms. Cypher was elevated to the Supreme Judicial Court. Petitioner get real, Governor Baker said that Justice Cypher was an outstanding jurist, RIGHT.

Enough is enough, and please direct your attention to Ms. Badway's exhibits for her Motion to Dismiss, she has submitted the docket entries printed out on October 26, 2017, Guess What, docket entry no. 86 is there, WOW.

So let us understand, the petitioner has in his possession docket entries from the trial court, dated January 13, 2015, April 15, 2015, August 5, 2015, (related habeas corpus, no. 15-12789-IT) submitted by Annette Benedetto, Asst. attorney General, February 2, 2016, again (habeas corpus no. 15-12789-IT, and December 21, 2016, by MS. Badway, for habeas corpus no. 16-12431-IT, all of the aforementioned dated show docket entry no. 86 and now docket entries printed out on October 26, 2017, YES, no. 86 is there, but NOT ON May 30, 2017, WOW.

A evidentiary hearing must be held by this court with the following witnesses:

1. Thomas Driscoll Jr, Clerk of Courts for Essex County;
2. Ms. Eva Badway;
3. Ms. Maura Healey; and
4. Supreme Judicial Court Justice Elspeth Cypher.

WOW, WOW, and more WOWS.

Yes, the petitioner dated same day, has requested a evidentiary hearing.

Yes, this is the 3rd habeas corpus, no, first one, first two were dismissed for not exhausting state remedies.

The petitioner will only submit this glaring fact, when a person's Appellate's rights are being blocked/delayed, the United States Supreme Court in "rose v. Lundy," and Barker v. wingo," when a delay of more than 9 months without the defendant's consent, a inquiry is required by the United States District Court, and no the petitioner never consented to any delay, just played stupid. Oh by the way, a glaring set of facts for everyone to ponder, petitioner is now 68 years of age, when he was falsely imprisoned he took only one small dose of medication, now 3 of them for high blood pressure, damage is irreversible, plus other injuries cause

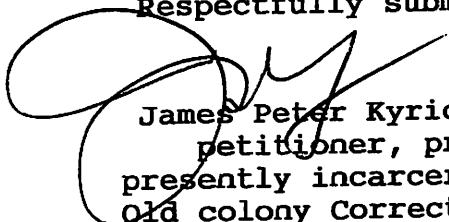
by stress, and how about his now 93 year old mother, and his girlfriend who witness that so-called trial, it was rigged. Plesase review what the petitioner ubmits in his amended statement of Fact, trial was rigged.

Petitioner this same day has filed for his immediate release, any further delay by this Court is and can only be described as cruel and unusual punishment , 36 months of the most deliberate case of false imprisonment, and don't you love that case,

"WHEEL V. ROBINSON, 2nd circuit".

Needless to say, respondent's Motion to Dismiss must be DENIED, and let's get to the Evidentiary Hearing and see who pleads the fifth, petitioner says Mr. Driscoll, there are more acts of falsifying the docket entries.

Respectfully submitted,

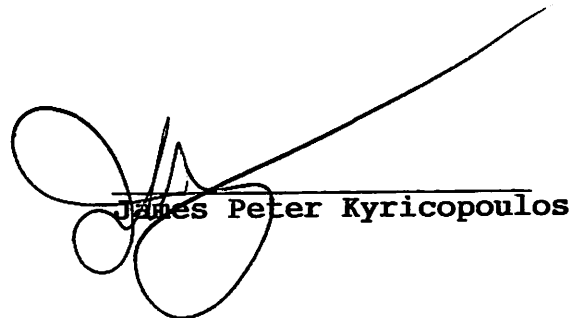


James Peter Kyricopoulos,
petitioner, pro-se
presently incarcerated at:
Old colony Correctional Center
Minimum Security
One administration Road
Bridgewater, Mass. 02324

Dated: November 3, 2017

CERTIFICATE OF SERVICE

I, James Peter Kyricopoulos, petitioner, pro-se do hereby certify that true copies of the enclosed were mailed to Ms. Eva Badway, Office of the Attorney General, One Ashburton PLace, Boston, Mass. 02108 by first class mail, postage prepaid this 3rd day of November, 2017.



James Peter Kyricopoulos

Dated: November 3, 2017